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E. ROBERT SEAVER, CLERK

IN THE

Supreme Court Of The United States

October Term, 1970

No. 1381

70-85

PAUL M. BRANZBURG - - - Petitioner

versus

JOHN P. HAYES, Judge, Jefferson Circuit Court, Criminal Branch, Second Division - - - - Respondent

and

PAUL M. BRANZBURG - - - Petitioner

versus

HENRY MEIGS, Judge, Franklin Circuit Court - - - Respondent

RESPONSE TO MOTION OF AMERICAN NEWSPAPER PUBLISHERS ASSOCIATION FOR LEAVE TO FILE BRIEF AMICUS CURIAE

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LAWYERS PRINTING COMPANY, LOUISVILLE, KY.

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PAUL M. BRANZBURG - - - - *Petitioner*

vs.

JOHN P. HAYES, Judge, Jefferson Circuit Court, Criminal Branch, Second Division - - - - *Respondent*

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vs.

HENRY MEIGS, Judge, Franklin Circuit Court - - - *Respondent*

RESPONSE TO MOTION OF AMERICAN NEWSPAPER PUBLISHERS ASSOCIATION FOR LEAVE TO FILE BRIEF AMICUS CURIAE

Comes the respondent, John P. Hayes, Judge, by counsel and hereby objects to the Motion of American Newspaper Publishers Association for Leave to File Brief Amicus Curiae for the following reasons:

1. Counsel for the respondent heretofore has refused to give written consent to American Newspaper

Publishers Association for leave to file a brief as amicus curiae and has consistently refused to give written consent to numerous other requests.

2. There have been many and various persons and corporations expressing interest in the questions to be decided by the court since certiorari has been granted by this honorable court. No less than six (6) separate requests have been made for consent to file amicus curiae briefs. Consent given to one would merely open the door to numerous briefs of the same nature being filed, thus creating an unnecessary burden on the Court and the undersigned. Since the persons who contacted the undersigned are all persons of the news media or the American Civil Liberties Union and whose position in this matter is obviously antagonistic to that of the respondent herein, it is the position of the respondent that there is no reason to believe that counsel for the petitioner cannot present all questions of law and pertinent arguments thereon to this honorable court for just disposition.

3. Counsel for American Newspaper Publishers Association has not set forth facts or questions of law that have not been, or reasons for believing that they will not adequately be, presented by the parties, and the relevancy to the disposition of the case as is required by Rule 42 of the Revised Rules of the Supreme Court of the United States.

It is respectfully requested that the court permit this response to suffice for all subsequent motions for

leave to file amicus curiae briefs for the reasons set out herein.

Respectfully submitted

EDWIN A. SCHROERING, JR.
Commonwealth's Attorney

W. C. FISHER, JR.
Assistant Commonwealth's Attorney

Courthouse Annex
Louisville, Kentucky 40202

Counsel for Respondent

Dated: July 12, 1971

PROOF OF SERVICE

I, W. C. Fisher, Jr., one of counsel for respondent herein, and a member of the bar of the Supreme Court of the United States, hereby certify that on the 15th day of July, 1971, I served a copy of the foregoing brief on Arthur B. Hanson, 888 17th Street, N. W., Washington, D. C. 20006, counsel for American Newspaper Publishers Association, and Edgar A. Zingman, 300 Marion E. Taylor Building, Louisville, Kentucky 40202, counsel for petitioner, by mailing a copy in a duly addressed envelope with first class postage prepaid to said counsel at the above address.

W. C. Fisher, Jr.